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CHRISTINE A. LEKUTIS  
MEDLEN & CARROLL LLP  
101 HOWARD STREET, SUITE 350  
SAN FRANCISCO, CA 94105

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In re Application of  
Claude P. Selitrennikoff et al  
Application No. 09/866,209  
Filed: May 25, 2001  
Attorney Docket No. MYCOLOGX-04875

**OFFICE OF PETITIONS  
NOTICE**

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

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Irvin Dingle  
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